

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

JOHN BARRETT BICKNELL,

Plaintiff,

V.

Sheriff GREGORY COUNTRYMAN,

Defendant.

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NO. 4:23-cv-00115-CDL-MSH

ORDER OF DISMISSAL

Plaintiff John Barrett Bicknell, who is currently being held in the Muscogee County Jail in Columbus, Georgia, filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. Compl., ECF No. 1. Plaintiff also filed an account statement, which this Court construed as a motion for leave to proceed in this action *in forma pauperis*. Order, ECF No. 4. Based on this documentation, Plaintiff's motion to proceed *in forma pauperis* was granted, and Plaintiff was ordered to pay an initial partial filing fee of \$61.40. *Id.* Plaintiff was given fourteen days to pay the initial partial filing fee and was cautioned that his failure to do so may result in the dismissal of this action. *Id.*

More than fourteen days passed following entry of that order. In that time, Plaintiff did not pay the initial partial filing fee or otherwise respond to the order for him to do so. Therefore, Plaintiff was ordered to show cause why this case should not be dismissed for failure to comply with the previous order to pay the initial partial filing fee. Order to Show Cause, ECF No. 5. Plaintiff was given fourteen days to respond and was cautioned that

his failure to do so would likely result in the dismissal of this action. *Id.*

More than fourteen days have now passed since the order to show cause was entered, and Plaintiff has not responded to that order. Thus, because Plaintiff has failed to respond to the Court's orders or otherwise prosecute this case, his complaint is now **DISMISSED WITHOUT PREJUDICE**. See Fed. R. Civ. P. 41(b); *Brown v Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) ("The court may dismiss an action sua sponte under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)).

SO ORDERED, this **28th** day of **August, 2023**.

S/ Clay D. Land
CLAY D. LAND
U.S. DISTRICT COURT JUDGE
MIDDLE DISTRICT OF GEORGIA